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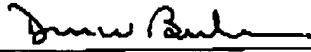
Remarks/

Affidavit

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper or thing referred to as being attached or enclosed) is being facsimile transmitted to the Commissioner for Patents at 703-872-9060 on the date set forth below.

Date: June 13, 2003

  
Don W. Bulson

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent application of:

Applicant: James Robert Durrant et al.  
Application No.: 09/673,538  
Filing Date: October 17, 2000  
Title: BIOCHEMICAL DEVICES AND THEIR METHODS OF MANUFACTURE

Examiner: Lyle A. Alexander  
Art Unit: 1743

Attorney Docket No.: DYOUP0204US

## SUPPLEMENT TO AMENDMENT/REPLY ACCOMPANYING RCE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, DC 20231

Sir:

Submitted herewith is an affidavit documenting the fact that immobilization of proteins in a sol-gel matrix as taught by WO 96/00198 would cause them to be deactivated by reason of the drying in a hot air current of approximately 80°C or higher, such that the device of the reference would not have the same operative properties as the sensor defined in claims 1 and 17. Moreover, the fact that the noted database shows 92% of the proteins in the database to be denatured above 80 degrees Celsius makes it quite apparent that such elevated temperatures are not physiological temperatures.

Regarding support for the newly added limitation "without the use of non-physiological temperatures", reference may be had to page 6, line 10, of the specification.

Allowance of the application is earnestly solicited.

Respectfully submitted,

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By



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